

ESTTA Tracking number: **ESTTA605701**

Filing date: **05/22/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203192
Party	Plaintiff Beats Electronics, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Lawrence E. James, Jr./
Date	05/22/2014
Attachments	Consented_Motion_to_Suspend_60_days_URBAN_BEATZ.pdf(13954 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BEATS ELECTRONICS, LLC

Opposer,

v.

MERKURY INNOVATIONS, LLC

Applicant.

Opposition No. 91203192

**CONSENTED MOTION TO SUSPEND**

Pursuant to Rule 510.03(a) of the Trademark Trial and Appeal Board Manual of Practice and 37 C.F.R. § 2.117(c), Opposer, Beats Electronics, LLC, with the consent of Applicant, Merkury Innovations, LLC., hereby moves the Board for an Order suspending these proceedings for a period of sixty (60) days pending the outcome of settlement negotiations between the parties. In support of this Motion, Opposer states:

1. On December 29, 2011, Opposer filed its Notice of Opposition to Applicant's registration of the mark URBAN BEATZ, and a scheduling order issued.
2. On January 23, 2012, Applicant filed its Answer to the Notice of Opposition together with a counterclaim against Opposer.
3. During the course of these proceedings, Opposer and Applicant have spent considerable time and effort towards completion of discovery. Specifically, Opposer and Applicant have exchanged initial disclosures, first sets of written discovery requests and responses and propounded document production, and have each completed 30(b)(6) depositions.

4. In addition, on February 17, 2014, Opposer served supplemental discovery requests including Requests for Admission, Requests for the Production of Documents and Interrogatory on Applicant, which remain outstanding.

5. Opposer and Applicant likewise exchanged expert disclosures pursuant to the Board's scheduling order. In order to permit time for expert discovery, fact discovery was suspended on March 4, 2014. On May 1, 2014, the suspension for expert discovery was extended by four days, and the parties duly completed expert discovery. Pursuant to the Board's May 1, 2014 Order, the Proceedings were resumed on May 5, 2014 and the discovery period is currently set to close on June 4, 2014.

6. The Parties efforts described in Paragraphs 3-5 demonstrate Opposer's and Applicant's diligent, ongoing efforts to move these proceedings forward, towards resolution.

7. Throughout the course of the discovery period, the parties intermittently discussed settlement, but these discussions were largely unproductive. On May 20, 2014, counsel for Applicant contacted counsel for Opposer to reinvigorate the settlement discussion, and proposed a potential settlement framework that the parties had not previously seriously considered. Accordingly, efforts to reach a mutually agreeable settlement are ongoing. A suspension of these proceedings will permit the parties to continue their settlement efforts and, hopefully, resolve these proceedings.

8. Counsel for Opposer and counsel for Applicant have conferred and agreed to seek the suspension of this matter to allow the parties to focus their efforts on attempting to resolve this matter, and, therefore, counsel for Applicant has consented to this motion.

WHEREFORE, Opposer respectfully requests that the Board suspend this Opposition for a period of sixty (60) days, pending the outcome of the settlement discussions and reset the deadlines as set forth below or as otherwise appropriate:

Proceedings Resume	July 20, 2014
Discovery Closes	August 19, 2014
Plaintiff's Pretrial Disclosures	October 3, 2014
Plaintiff's 30-day Trial Period Ends	November 17, 2014
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	December 2, 2014
30-day Trial Period for Defendant/Counterclaim Plaintiff Ends	January 16, 2015
Counterclaim Defendants & Plaintiff's Rebuttal Disclosures Due	January 31, 2015
30-day Trial Period for Counterclaim Defendant & Rebuttal as Plaintiff Ends	March 17, 2015
Counterclaim Plaintiff's Rebuttal Disclosures Due	April 1, 2015
15-day Rebuttal Period for Counterclaim Plaintiff Ends	May 1, 2015
Brief for plaintiff due	May 31, 2015
Brief for defendant and plaintiff in the counterclaim due	June 30, 2015
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	July 30, 2015
Reply brief, if any, for plaintiff in the counterclaim due	August 14, 2015

Respectfully submitted,

Date: May 22, 2014

/Lawrence E. James, Jr./  
 One of the Attorneys for Opposer,  
 Beats Electronics, LLC

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**CERTIFICATE OF SERVICE**

I, Lawrence E. James, Jr., state that I served a copy of the foregoing *Consented Motion To Suspend* via First Class Mail, U.S. postage prepaid, upon counsel for Applicant:

Anthony F. Lo Cicero  
Marc J. Jason  
Amster, Rothstein & Ebenstein LLP  
90 Park Avenue  
New York, NY 10016

on this 22<sup>nd</sup> day of May, 2014.

/ Lawrence E. James, Jr. /  
Lawrence E. James, Jr.

NGEDOCs: 2174550.1